

HOUSE BILL No. 1216

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-17-7; IC 10-11-2-34; IC 35-42-3.5-4; IC 35-45-4-2.

Synopsis: Missing children and trafficked children. Requires the superintendent of the state police department to: (1) prepare a written informational pamphlet that includes information concerning the National Center for Missing and Exploited Children and the National Runaway Safeline; and (2) distribute the pamphlet to every law enforcement agency. Requires a law enforcement agency to provide the pamphlet to a person making a report of a missing child at the time the person makes the report. Provides a defense to the crime of prostitution if the person was a child who was a victim or alleged victim of human or sexual trafficking at the time the person engaged in the prohibited conduct. Requires a law enforcement agency to immediately contact the department of child services if the law enforcement agency detains an alleged victim of human or sexual trafficking who is less than 18 years of age.

Effective: July 1, 2015.

Truitt

January 13, 2015, read first time and referred to Committee on Family, Children and Human Affairs.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1216

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-17-7, AS ADDED BY P.L.92-2007, SECTION
2 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2015]: Sec. 7. **(a) A law enforcement agency shall provide a copy of**
4 **the written informational pamphlet described in IC 10-11-2-34 to**
5 **a person making a report of a missing child less than eighteen (18)**
6 **years of age at the time the person makes the report.**
7 **(b)** If requested by the person making a report of a missing person,
8 a law enforcement agency shall inform the person making the report,
9 a family member of the missing person, and any other person whom the
10 law enforcement agency believes may be helpful in locating the
11 missing person of the following:
12 (1) The general procedure for handling missing person cases.
13 (2) The approach the law enforcement agency intends to pursue
14 in the case, if, in the opinion of the law enforcement agency,
15 disclosure would not adversely affect its investigation.



(3) That additional information may be required if the missing person is not promptly located or if additional information is discovered in the course of the investigation. The law enforcement agency shall describe the additional information that may be helpful, if this information is known.

(4) That the National Center for Missing and Exploited Children (if the missing person is a child) or the National Center for Missing Adults (if the missing person is an adult) may provide additional resources. The law enforcement agency shall provide contact information for the appropriate organization.

SECTION 2. IC 10-11-2-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 34. (a) As used in this section, "law enforcement agency" has the meaning set forth in IC 5-2-17-2.**

(b) The superintendent shall prepare a written informational pamphlet about the National Center for Missing and Exploited Children and the National Runaway Safeline. The pamphlet must include the following information:

(1) The twenty-four (24) hour toll free numbers for the following:

(A) The National Center for Missing and Exploited Children.

(B) The National Runaway Safeline.

(2) A description of the services that the National Center for Missing and Exploited Children and the National Runaway Safeline provide to families of missing children.

(c) The superintendent shall distribute a copy of the pamphlet to every law enforcement agency.

(d) The superintendent shall annually review the pamphlet information to ensure that the information is accurate. If the pamphlet information is not accurate, the superintendent shall:

(1) prepare a new written informational pamphlet that includes the information described in subsection (b); and

(2) distribute a copy of the updated pamphlet to every law enforcement agency.

SECTION 3. IC 35-42-3.5-4, AS AMENDED BY P.L.130-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4. (a) An alleged victim of an offense under section 1 of this chapter:**

(1) may not be detained in a facility that is inappropriate to the victim's status as a crime victim;

(2) may not be jailed, fined, or otherwise penalized due to having



1 been the victim of the offense; and

2 (3) shall be provided protection if the victim's safety is at risk or
3 if there is danger of additional harm by recapture of the victim by
4 the person who allegedly committed the offense, including:

5 (A) taking measures to protect the alleged victim and the
6 victim's family members from intimidation and threats of
7 reprisals and reprisals from the person who allegedly
8 committed the offense or the person's agent; and

9 (B) ensuring that the names and identifying information of the
10 alleged victim and the victim's family members are not
11 disclosed to the public.

12 This subsection shall be administered by law enforcement agencies and
13 the Indiana criminal justice institute as appropriate.

14 (b) Not more than fifteen (15) days after the date a law enforcement
15 agency first encounters an alleged victim of an offense under section
16 1 of this chapter, the law enforcement agency shall provide the alleged
17 victim with a completed Declaration of Law Enforcement Officer for
18 Victim of Trafficking in Persons (LEA Declaration, Form I-914
19 Supplement B) in accordance with 8 CFR 214.11(f)(1). However, if the
20 law enforcement agency finds that the grant of an LEA Declaration is
21 not appropriate for the alleged victim, the law enforcement agency
22 shall, not more than fifteen (15) days after the date the agency makes
23 the finding, provide the alleged victim with a letter explaining the
24 grounds for the denial of the LEA Declaration. After receiving a denial
25 letter, the alleged victim may submit additional evidence to the law
26 enforcement agency. If the alleged victim submits additional evidence,
27 the law enforcement agency shall reconsider the denial of the LEA
28 Declaration not more than seven (7) days after the date the agency
29 receives the additional evidence.

30 **(c) If a law enforcement agency detains an alleged victim of an**
31 **offense under section 1 of this chapter who is less than eighteen**
32 **(18) years of age, the law enforcement agency shall immediately**
33 **notify the department of child services that the alleged victim:**

34 **(1) has been detained; and**

35 **(2) may be a victim of child abuse or neglect.**

36 SECTION 4. IC 35-45-4-2, AS AMENDED BY P.L.158-2013,
37 SECTION 526, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2015]: Sec. 2. **(a)** A person who knowingly or
39 intentionally:

40 (1) performs, or offers or agrees to perform, sexual intercourse or
41 other sexual conduct (as defined in IC 35-31.5-2-221.5); or

42 (2) fondles, or offers or agrees to fondle, the genitals of another



1 person;
2 for money or other property commits prostitution, a Class A
3 misdemeanor. However, the offense is a Level 6 felony if the person
4 has two (2) prior convictions under this section.
5 **(b) It is a defense to a prosecution under this section that the**
6 **person was:**
7 **(1) a child (as defined in IC 35-47-10-3); and**
8 **(2) a victim or an alleged victim of an offense under**
9 **IC 35-42-3.5-1;**
10 **at the time the person engaged in the prohibited conduct.**

